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U.S. Department
of Transportation

Research and
Special Programs
Administration

DEPT. OF TRANSPORTATION
BUREAU

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400 Seventh Street, S.W.
Washington, D.C. 20590

APR 13 1992

Ms. Deborah Golden
Assistant General Counsel
Envirosafe Services, Inc.
P. O. Box 833
Valley Forge, Pennsylvania 19482-0833

Dear Ms. Golden:

This is in response to your letter concerning persons responsible as "offerors" under the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-180), and whether the term "persons who offer for transportation", as specified in § 172.600, includes brokers. I apologize for the delay in responding and hope it has not caused any inconvenience.

You described the scenario as follows:

In connection with contracting to dispose of a hazardous material/waste, Envirosafe may agree to hire a subcontractor to transport the material from the generator's facility to the disposal facility. Envirosafe does not sign the manifest as the generator or transporter and never actually handles the material during transportation. Therefore, would the emergency response information requirements of Subpart G of Part 172 be applicable to Envirosafe?

Any person who performs, or who, as described above, may contractually or otherwise be responsible for performing any functions assigned to the "offeror" (shipper) must perform those functions in compliance with the HMR. Therefore, brokers who may be responsible for compliance with the emergency response information requirements of Subpart G of Part 172, a shipper function, will be held liable for performing those functions in compliance with the applicable regulations.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

for 

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



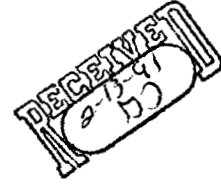
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ENVIROSAFE SERVICES, INC.

Deborah Golden
Assistant General Counsel

February 5, 1991



Helen L. Engrum
Standards Division
Office of Hazardous Materials Transportation
U.S. Department of Transportation
400 Seventh Street S.W.
Washington, D.C. 20590-0001

Re: Emergency Response Communication
Standards 49 CFR Part 172, §172.600

Dear Ms. Engrum:

Envirosafe Services, Inc. requests the Department's guidance in interpreting the meaning of the term "persons who offer for transportation" in the section cited above. We believe that the term would not include a person who brokers transportation. For example, in connection with contracting to dispose of hazardous materials, Envirosafe may agree to hire a subcontractor to transport the material from the generator's facility to the disposal facility. Envirosafe does not sign the manifest as the generator or transporter and never actually handles the material during transportation. Therefore, we have concluded that these regulations are not applicable to Envirosafe.

Does the DOT concur in this interpretation?

Thank you for your prompt response to this inquiry.

Sincerely,

Deborah Golden
Assistant General Counsel

DG:ra